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DEPARTMENT OF DEFENSE
OFFICE OF VETERANS' SERVICES
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April 18, 2008

To: Michael Vincent
Attorney General

Thru: Major General Robert G.F. Lee
Adjutant General *Robert G.F. Lee*

From: Mark S. Moses *Mark Moses*
Director

Subject: Request Approval as to Form of Amendments to Administrative Rules for the Office of Veterans' Services, Department of Defense

2008 MAY 15 AM 10:49
OFFICE OF THE ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

In accordance with Administrative Directive 99-02 dated August 2, 1999, Policy and Procedures for the Adoption, Amendment, or Repeal of Administrative Rules, we request approval as to form of amendments to the enclosed Chapters 31 "Services to Veterans" and 32, "Hawaii State Veterans Cemetery Rules of Practice and Procedure."

Amendments to Chapter 31, "Services to Veterans," enacts Act 100, SLH 2007; which requires the office of veterans' services, at the request of a survivor or interested party of a deceased World War II Filipino veteran, to make payment directly to a mortuary or crematory for funeral and burial services, and to transport the veteran's remains to the Philippines upon submission of an itemized unpaid invoice.

The amendments will affect the operation of the office, as survivors and interested parties will apply for disbursement of funds and the office staff will have to determine eligibility and authorize payment, as necessary.

Amendment to Chapter 31, Hawaii Administrative Rules will have a financial impact on the State of Hawaii. Funding for this program is provided by Legislative action. The Legislature has determined that the societal benefit of this program exceeds the initial and continued cost of the program. Although there will be a slight financial impact on the public, the desire to treat the remains of World War II Filipino veterans with dignity and respect outweighs the cost of the program.

During public hearings the program received support from Filipino community representatives who made comments about the program. Questions arose concerning the eligibility for the program and after discussion, consensus was reached that all veterans should be discharged under conditions other than dishonorable.

This criterion was added to the Rules. No other change was suggested or adopted. The Office clarified, based upon the preamble of the law that only those World War II Filipino veterans who are not eligible for interment in a state or federal veterans cemetery are eligible for the grant. These changes are not substantial and clarify eligibility for the program.

Amendment of Chapter 32, "Hawaii State Veterans Cemetery Rules of Practice and Procedure," provides additional descriptive language explaining what behavior is expected of visitors, clarifies the fee structure, inserts references to burial vaults, and clarifies duties of contractors for disinterment.

The amendments will affect the operations of the Hawaii State Veterans Cemetery staff since they will enforce rules, respond to request for exemptions to rules based upon cultural events, manage the burial vaults program and monitor disinterments. Providing burial vaults will not have a significant financial impact on the State of Hawaii. The burial vaults are state funded, however, the savings realized from long-term maintenance costs associated with repair of settling gravesites will far exceed the initial cost of vaults.

Some funeral services providers will be impacted by the amendments since the state will be purchasing burial vaults directly from the manufacturer and providing them to veterans and their widows. This will eliminate surviving family members need to purchase vaults. These families will realize a savings and be able to utilize these funds for other funeral or related services.

Clarification of the fee structure section gives the director the flexibility to manage the burial fee requested from family members. This clarification makes no new demands on the deceased's survivor or representative but will give the director the authority and flexibility as required.

During public hearing on the amendment to provide burial vaults statewide, veterans and members of the community expressed their appreciation for the change in policy. They stated that veterans and their dependents should be treated the same, regardless of where they live in Hawaii. Several expressed concerns about objects left on the graves and at the columbarium in the cemetery as well as the behavior of visitors to the cemetery. The Office address these concerns by adding language that clarifies what behaviors and activities are allowed in the cemetery and clarifying in detail what is allowed at grave or columbium sites.

Based upon the above and our meeting with the Small Business Regulatory review Board, these amendments to our administrative rules will have limited impact upon the small business community.

Enc: Chapter 31 & 32
Public Hearing Summary
c: Director of Finance
Director of Business, Economic Development & Tourism